

RECEIVED
CENTRAL FAX CENTER

NOV 07 2006

REMARKS*Amendment to the Claims*

The present amendment to the claims more clearly states the present invention. No new matter is introduced through these amendments.

Status of the Claims and General Summary of Claim Rejections

Claims 1-41 are pending in the present application. Claims 24 and 25 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. See *Office Action*, 4-5. Claims 1-6, 14-17, 19-32 and 34-41 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by Artieri, U.S. Patent No. 5,579,052. See *Office Action*, 5-15. Claims 7, 9, 10, 11 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of McGuinness, U.S. Patent No. 6,104,416. See *Office Action*, 15-19. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of Sorin, U.S. Patent No. 6,631,164. See *Office Action*, 19-20. Claims 12, 13 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of Levy, U.S. Patent No. 5,170,251. See *Office Action*, 20-22. The Applicant respectfully traverses all rejections herein.

35 U.S.C. § 101 Rejection

The Examiner has rejected claims 24 and 25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter for claiming a *machine* readable medium as opposed to a *computer* readable medium. See *Office Action*, 4-5. Claims 24 and 25 have been amended and are now directed to a computer readable medium executable by a processor and the rejection is thus believed to be overcome. The Applicant thanks the Examiner for the suggestion for overcoming the rejection.

35 U.S.C. § 102(b) Rejection per Artieri

The Examiner has rejected Claims 1-6, 14-17, 19-32 and 34-41 under 35 U.S.C. § 102 (b) as being anticipated by Artieri. See *Office Action*, 5-15. The Applicant respectfully traverses this rejection.

The Applicant respectfully submits that Artieri does not anticipate claim 1 as previously presented. Claim 1 indicates that the data to be fetched is located in a plurality of locations in the memory, and that it is retrieved from these locations and then combined into a plurality of data packets in accordance with a packetization scheme based upon the locations of the data. Artieri does not disclose the Applicant's claimed fetching/retrieval configuration.

Artieri is limited to retrieving the data in the same form, or packets, as the data is stored. This was also true of McGuiness, which was previously cited by the Examiner as the basis for a prior rejection under 35 U.S.C. § 102(e) and which is now withdrawn. See *Office Action*, 2. In response to the Applicant's Amendment of May 22, 2006, "the Examiner agrees" that "McGuiness . . . does not teach combining [the data] into data packets." *Office Action*, 2 (emphasis added). The same logic applies to Artieri.

The Examiner cites a portion of Artieri as teaching the elements of claim 1:

Artieri discloses . . . the steps of determining the locations of the read data in the memory; selecting a packetization scheme based on the locations of the read data; assembling at least one read command for addressing the plurality of locations of the read data; and fetching the read data from the memory locations and combining it into a plurality of data packets in accordance with the selected packetization scheme (*determine the position in the picture memory from which packets of data must be transferred, read instruction, modification may consist in an incrementation (which amounts to write or to read data at successive addresses in the picture memory) or in a more complex calculation (for example a recursive calculation to extract a picture line from a sequence of macro-blocks*, Col. 16, lines 33-47

Office Action, 5-6 (italics in original; emphasis added).

The Examiner's interpretation of Artieri, which is presented in italics, fails to suggest (at least) the underlined language from claim 1—selecting a packetization scheme based on the locations of the read data, and combining the data into data packets

with the selected packetization scheme. Arteri simply fails to disclose these claim elements. The Artieri as cited by the Examiner provides:

In order to determine the position in the picture memory from which packets of data must be transferred, it is possible, for example, to update a data pointer stored in the picture memory. The instruction processor includes an address register AR containing the address at which a transfer (read or write) operation is carried out. The beginning of a transfer program of a packet of data includes an instruction that writes in this address register AR the content of the data pointer. The subsequent instructions of the program are, for example, instructions to adequately modify the content of the address register at each read or write instruction. This adequate modification may consist in an incrementation (which amounts to write or to read data at successive addresses in the picture memory) or in a more complex calculation (for example a recursive calculation to extract a picture line from a sequence of macro-blocks).

Artieri, 16:32-47.

Other portions of Arteri support the Applicant's contention. For example, in another portion cited by the Examiner, Artieri states that "[t]he present invention more particularly addresses a system for processing compressed data arriving in packets corresponding to picture blocks." *Id.* at 3:34-35 (emphasis added). Artieri later states that "Each packet contains a fixed number of data equal, for example, to half the size of the FIFO." *Id.* at 16:31-33. Since the data is arriving already assembled into packets of fixed size, Artieri does not teach or suggest selecting a packetization scheme that might vary with the location of the data or assembling, or combining the data into, the packets.

Nowhere does Artieri teach or suggest retrieving the data in any other fashion, or selecting a packetization scheme based upon the location in the memory and then combining the data into packets according to that scheme. Rather, Artieri is limited to storing and reading the data in the same packetized form as it is stored, and no other method of retrieving the data is disclosed. Thus, Artieri does not anticipate claim 1.

As a matter of law, any dependent claim that depends from an allowable independent claim cannot be obvious and/or anticipated in and of itself. See 35 U.S.C. § 112, ¶ 4. Since the Applicant has evidenced the allowability of independent base claim

1, the Applicant contends that dependent claims 2-6 and 14-17 of the present application are also allowable.

Independent claims 19, 21, and 24-28 similarly indicate that the data is packed into data packets based upon instructions received including the location of the data to be read or that data is unpacked from data packets and reassembled into usable chunks based upon the packetization scheme used to create the packets.

Specifically with respect to claim 19, Artieri fails to show packing the read data into data packets according to the specifications of a read command but rather only shows that a data packet may have a header containing decoding parameters. Artieri, 3:36-38. There is no connection shown between the packetization scheme and the read command.

Claim 21 recites a method for reassembling reference pixel data from a plurality of data packets into a luminance chunk and a chrominance chunk by, in part, determining the packetization scheme used to packetize the chunks into the data packets. The Examiner asserts that Artieri teaches the limitation. *Office Action*, 10. As presently amended, claim 21 now recites that the packetization scheme is determined by the location in memory of the data to be reassembled. As above, Artieri does not show the use of different packetization schemes based upon memory location.

Claims 24 and 25 are claims for a computer readable medium, and as such are allowable if the method contained in the program on the medium is allowable.

Claim 26 and 27 are system claims written in means for language and are similar to claims 1 and 19. Claims 26 and 27 are thus allowable for the same reasons.

Claim 28 recites a system for decoding pictures which again includes packing the data into packets according to specifications of the memory read commands. As above, this claimed aspect is not shown in Artieri. As with claim 1, the portion of Artieri cited by the Examiner fails to show any connection whatsoever between the memory read commands or the location of the data and the packetization scheme.

Accordingly, claims 19, 21 and 24-28 are not anticipated by Artieri. Since these claims are not anticipated, dependent claims 20, 22-23 and 29-41 are also allowable. The Applicants thus respectfully request the rejection of claims 1-6, 14-17, 19-32 and 34-41 as anticipated by Artieri under 35 U.S.C. § 102(b) be withdrawn.

35 U.S.C. § 103(a) Rejections per Artieri in view of McGuinness

The Examiner has rejected claims 7, 9, 10-11 and 18 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of McGuinness. *Office Action*, 15. All of these claims depend from claim 1. As a matter of law, any dependent claim that depends from an allowable independent claim cannot be obvious and/or anticipated in and of itself. See 35 U.S.C. § 112, ¶ 4. Since the Applicant has evidenced the allowability of independent base claim 1, the Applicant contends that dependent claims 7, 9, 10-11 and 18 of the present application are also allowable. The Applicants thus respectfully request the rejection of claims claims 7, 9, 10-11 and 18 as being unpatentable over Artieri in view of McGuinness under 35 U.S.C. § 103 be withdrawn.

35 U.S.C. § 103(a) Rejections per Artieri in view of Sorin

The Examiner has rejected claim 8 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of Sorin. *Office Action*, 19. Claim 8 depends from claim 1. As a matter of law, any dependent claim that depends from an allowable independent claim cannot be obvious and/or anticipated in and of itself. See 35 U.S.C. § 112, ¶ 4. Since the Applicant has evidenced the allowability of independent base claim 1, the Applicant contends that dependent claims 7, 9, 10-11 and 18 of the present application are also allowable. The Applicants thus respectfully request the rejection of 8 as being unpatentable over Artieri in view of Sorin pursuant to 35 U.S.C. § 103(a) be withdrawn.

35 U.S.C. § 103(a) Rejections per Artieri in view of Levy

The Examiner has rejected claims 12, 13 and 33 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Artieri in view of Levy. *Office Action*, 20. Claims 12 and 13 depend from claim 1. Claim 33 depends from claim 28. As a matter of law, any dependent claim that depends from an allowable independent claim cannot be obvious and/or anticipated in and of itself. See 35 U.S.C. § 112, ¶ 4. Since the Applicant has evidenced the allowability of independent base claims 1 and 28, the Applicant contends that dependent claims 7, 9, 10-11 and 18 of the present application are also allowable. The Applicants thus respectfully request the rejection of claims 12, 13 and 28 as being unpatentable over Artieri in view of Levy pursuant to 35 U.S.C. § 103(a) be withdrawn.

RECEIVED
CENTRAL FAX CENTER

NOV 07 2006

CONCLUSION

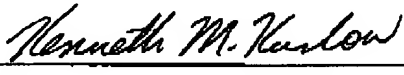
The Applicants contend that the Examiner's 35 U.S.C. § 102(b) rejection is overcome by Artieri's failure to disclose all of the elements of independent claims 1, 19, 21 and 24-28. For example, Artieri fails to disclose data to be fetched being located in a plurality of locations in the memory, and that that data is retrieved from these locations and then combined into a plurality of data packets in accordance with a packetization scheme based upon the locations of the data. The Examiner's 35 U.S.C. § 103 rejections are overcome for at least the same reasons. That is, all dependent claims of the present application are allowable by virtue of their dependence on (either directly or via an intermediate dependent claim) an allowable base claim.

While the Applicant believes a *Notice of Allowance* is now warranted, the Examiner is invited to contact the Applicant's undersigned representative with any questions concerning the present application.

Respectfully submitted,
Derek B. Noonburg

November 7, 2006

By:


Kenneth M. Kaslow (32,246)
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
Phone: 650.812.3400
Fax: 650.812.3444